

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
3 OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
4 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
5 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE
6 ATLAS (FLUA) FOR **CORRECTIVE AMENDMENTS**: FOR **98-**
7 **72 COM 1 (NORTH CONGRESS AVENUE)**, MODIFYING PAGE
8 72 OF THE FLUA BY CHANGING THREE (3) PARCELS OF
9 LAND, COLLECTIVELY TOTALING APPROXIMATELY 1.24
10 ACRES, AND LOCATED ON WEST SIDE OF CONGRESS
11 AVENUE, BETWEEN CAROL AVENUE AND REX AVENUE, AND
12 APPROXIMATELY 0.30 MILE NORTH OF 10TH AVENUE
13 NORTH, FROM LOW RESIDENTIAL, 3 UNITS TO THE ACRE
14 (LR-3) TO COMMERCIAL LOW WITH AN UNDERLYING 3
15 UNITS PER ACRE (CL/3); FOR **98-77 CHX 1 (LAKE**
16 **WORTH ROAD/42ND WAY CROSSHATCHING)**, MODIFYING
17 PAGE 77 OF THE FLUA BY REMOVING THE CROSSHATCHING
18 FROM A PARCEL OF LAND, TOTALING APPROXIMATELY
19 4.18 ACRES, AND GENERALLY LOCATED AT THE
20 SOUTHWEST CORNER OF LAKE WORTH ROAD AND 42ND WAY
21 SOUTH, APPROXIMATELY 650' EAST OF MILITARY TRAIL;
22 FOR **98-99 COM 1 (SOUTH MILITARY TRAIL)**,
23 MODIFYING PAGE 99 OF THE FLUA BY CHANGING A
24 PARCEL OF LAND, TOTALING APPROXIMATELY 9.13
25 ACRES, AND GENERALLY LOCATED ON THE WEST SIDE OF
26 MILITARY TRAIL, APPROXIMATELY 0.65 MILE NORTH OF
27 ATLANTIC AVENUE, FROM HIGH RESIDENTIAL, 8 UNITS
28 TO THE ACRE (HR-8) TO COMMERCIAL HIGH/HR-8
29 (CH/8); PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
30 PROVIDING FOR SEVERABILITY; PROVIDING FOR
31 INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
32 PROVIDING FOR AN EFFECTIVE DATE

33 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of County
34 Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-
35 17; and

36 **WHEREAS**, the Palm Beach County Board of County Commissioners
37 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II,
38 Florida Statutes; and

39 **WHEREAS**, the Palm Beach County Board of County Commissioners have
40 initiated amendments to several elements of the Comprehensive Plan in
41 order to promote the health, safety and welfare of the public of Palm
42 Beach County; and

43 **WHEREAS**, the Palm Beach County Local Planning Agency conducted a
44 public hearing on June 19, June 26, and July 10, 1998 to review the
45 proposed amendments to the Palm Beach County Comprehensive Plan and
46 made recommendations regarding the proposed amendments to the Palm

1 Beach County Board of County Commissioners pursuant to Chapter 163,
2 Part II, Florida Statutes; and

3 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
4 the governing body of Palm Beach County, conducted a public hearing
5 pursuant to Chapter 163, Part II, Florida Statutes, on July 15, 1998 to
6 review the recommendations of the Local Planning Agency, whereupon the
7 Board of County Commissioners authorized transmittal of proposed
8 amendments to the Department of Community Affairs for review and
9 comment pursuant to Chapter 163, Part II, Florida Statutes; and

10 **WHEREAS**, Palm Beach County received on, October 7, 1998 the
11 Department of Community Affairs "Objections, Recommendations, and
12 Comments Report," dated October 1, 1998, which was the Department's
13 written review of the proposed Comprehensive Plan amendments; and

14 **WHEREAS**, the written comments submitted by the Department of
15 Community Affairs contained no objections to the amendments contained
16 in this ordinance;

17 **WHEREAS**, on December 2, 1998, the Palm Beach County Board of
18 County Commissioners held a public hearing to review the written
19 comments submitted by the Department of Community Affairs and to
20 consider adoption of the amendments; and

21 **WHEREAS**, the Palm Beach County Board of County Commissioners has
22 determined that the amendments comply with all requirements of the
23 Local Government Comprehensive Planning and Land Development Regulation
24 Act.

25 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
26 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

27 **Part I. Amendments to the Future Land Use Atlas of the Land Use
28 Element of the 1989 Comprehensive Plan**

29 The following amendments to the Land Use Element's Future Land Use
30 Atlas are hereby adopted and are attached to this Ordinance:

31 **A. Future Land Use Atlas page 72 is amended as follows:**

32 **Application No.: 98-72 COM 1 (No. Congress Avenue)**

Amendment: From Low Residential 3 (LR-3) to Commercial Low with an underlying 3 units per acre (CL/3);

General Location: West side of Congress Avenue, between Carol Avenue and Rex Avenue, and approx. 0.30 mile north of 10th Avenue North;

Size: 1.24 acres;

B. Future Land Use Atlas page 77 is amended as follows:

Application No.: 98-77 CHX 1 (Lake Worth Rd/42nd Way)

Amendment: To Remove Crosshatching;

General Location: Southwest corner Lake Worth Road and 42nd Way South, approx. 650' east of Military Trail;

Size: 4.18 acres;

C. Future Land Use Atlas page 99 is amended as follows:

Application No.: 98-99 COM 1 (So. Military Trail)

Amendment: From High Residential 8 (HR-8) to Commercial High with an underlying 8 units per acre (CH/8);

General Location: West side of Military Trail, approx. 0.65 mile north of Atlantic Avenue;

Size: 9.13 acres.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 2 day of December, 1998.

ATTEST:
DOROTHY H. WILKEN, Clerk

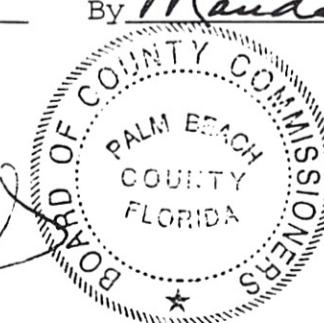
PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Joan Harvey
Deputy Clerk

By Maud Ford Lee
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

COUNTY ATTORNEY



Filed with the Department of State on the 9th day
of December 1998

EXHIBIT 1

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EXHIBIT 1

A. Future Land Use Atlas page 72 is amended as follows:

Amendment No.: 98-72 COM 1 (No. Congress Avenue)

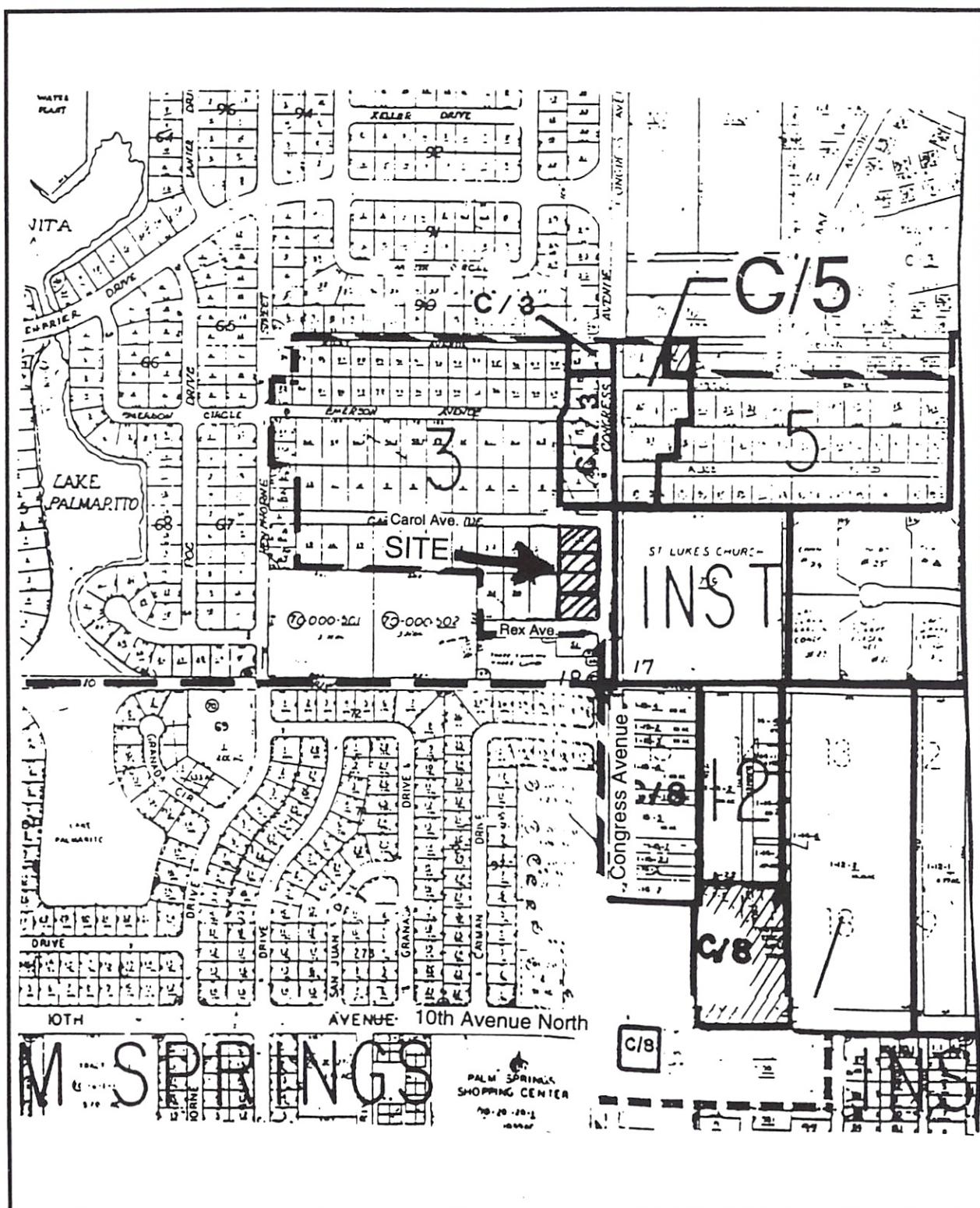
Location: West side of Congress Avenue, between Carol Avenue and Rex Avenue, and approximately 0.30 mile north of 10th Avenue North.

Size: 1.24 acres (total)

Original FLU: Low Residential, 3 units per acre (LR-3)

Adopted FLU: Commercial Low with an underlying 3 units per acre (CL/3)

Property No.: 00-43-44-18-02-000-0250 (.62 ac.), 0270 (.31 ac.), and 0280 (.31 ac.)



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B. Future Land Use Atlas page 77 is amended as follows:

Amendment No.: 98-77 CHX 1 (Lake Worth Road/42nd Way)

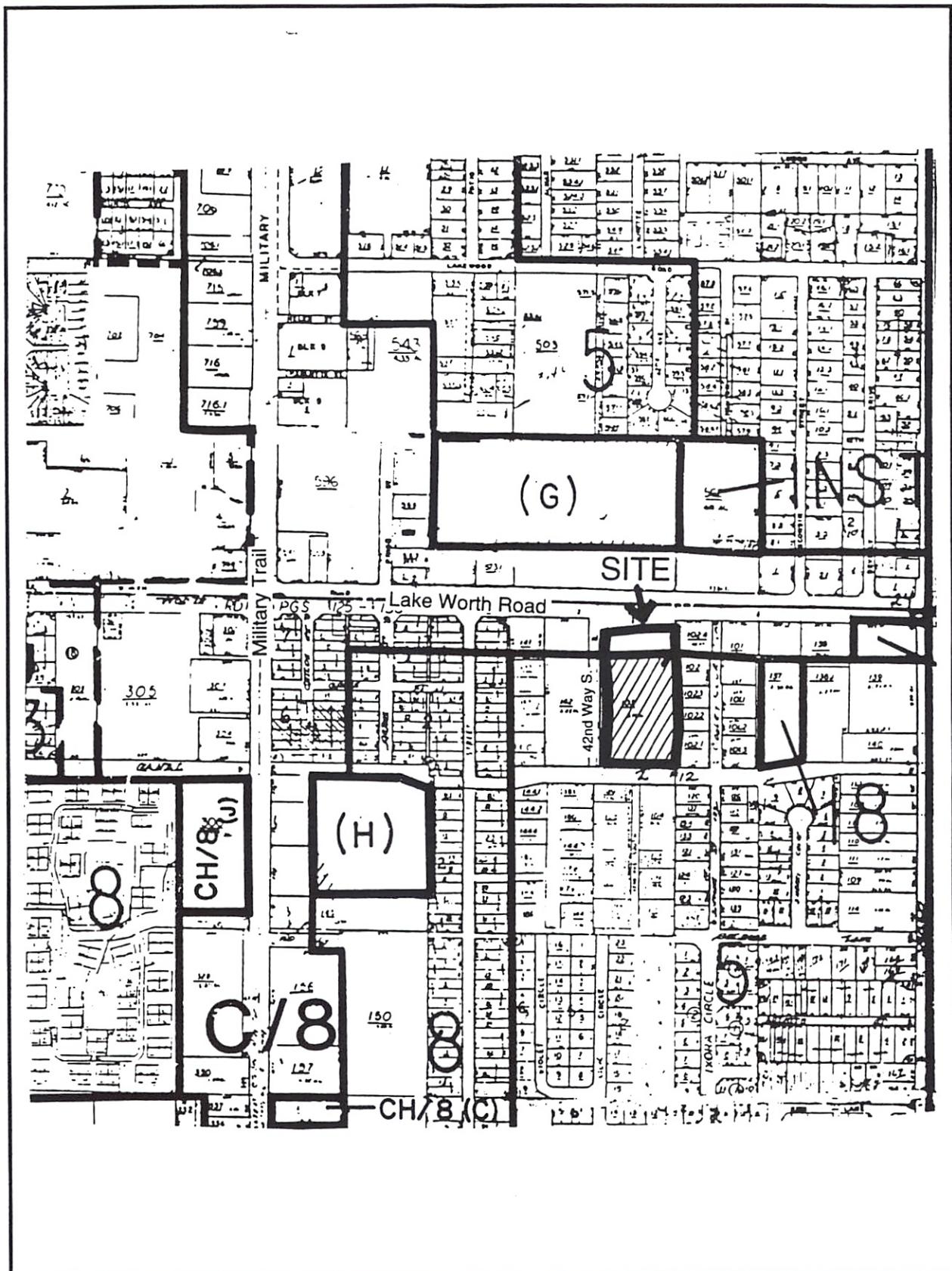
Location: Southwest corner of Lake Worth Road and 42nd Way South, approximately 650 ft. east of Military Trail

Size: 4.18 acres

Original FLU: No FLU change

Adopted FLU: Remove Crosshatching

Property No.: 00-42-44-25-00-000-1030



C. Future Land Use Atlas page 99 is amended as follows:

Amendment No.: 98-99 COM 1 (South Military Trail)

Location: West side of Military Trail, approximately 0.65 mile north of Atlantic Avenue

Size: 9.12 acres

Original FLU: High Residential, 8 units per acre (HR-8)

Adopted FLU: Commercial High with an underlying 8 units per acre (CH/8)

Property No.: 00-42-46-14-00-000-1010 (4.72 ac.), 1140 (3.45 ac.), 1150 (.96 ac.)

